

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DWIGHT PHILLIPS,)	
)	
Plaintiff,)	Case No. C05-1537-JCC-JPD
)	
v.)	
)	ORDER REMANDING CASE FOR
JO ANNE B. BARNHART)	FURTHER ADMINISTRATIVE
Commissioner of Social Security,)	PROCEEDINGS
)	
Defendant.)	
_____)	

Plaintiff is proceeding in forma pauperis and through counsel in this civil action challenging the Commissioner of Social Security Administration's decision to deny him Supplemental Security Income benefits under Title XVI of the Social Security Act. Defendant has filed a motion to remand in lieu of an answer. Dkt. No. 10. She argues that a remand is necessary because, she has been unable to locate the files relating to the administrative decision. Dkt. No. 10. Plaintiff does not oppose the motion. *Id.*; Dkt. No. 11.

Having carefully reviewed defendant's motion and the record, the Court orders that the action be REMANDED in order permit the defendant to locate the appropriate file. 41 U.S.C. § 405(g) sent. 6; *Shalala v. Schaefer*, 509 U.S. 292, 297 n.2 (1993) (noting that remands pursuant to sentence six are appropriate when the Commissioner requests remand before filing an answer). Should defendant be unable to locate the proper file within 60 days of the date of this order, defendant shall hold additional administrative proceedings necessary to reconstruct

01 the record and make a determination of whether to award benefits.

02 DATED this 28th day of December, 2005.

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UNITED STATES DISTRICT JUDGE

09 Recommended for Entry this
10 21st day of December, 2005.

11 s/ James P. Donohue

12 JAMES P. DONOHUE

13 UNITED STATES MAGISTRATE JUDGE
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